

JURISDICTION:
General Reference:

NEW MEXICO
New Mexico Statutes Annotated & New Mexico Administrative Code (NMAC)

Required Use of Safety Belts¹:

Requirements:

When a motor vehicle² is in operation, all front seat occupants (driver and passengers) shall wear a safety belt. §66-7-372(A)
Note: The enforcement of this requirement does not have to be associated with the enforcement of any other statute. §66-7-373(D)

Sanctions for Failure to Use or
Require the Use of Safety Belts:

Penalty Assessment Misdemeanor: A fine of **\$25**³. §§66-8-7 & 66-8-116(A) In addition, a person's driving record is assessed 2 points. 18 NMAC 19.5.11

Effect on Civil Liability:

Failure to comply with this requirement shall not in any instance constitute fault or negligence and shall not limit or apportion damages. §66-7-373(A) and *Mott v. Sun Country Garden Products, Inc.*, 901 P.2d 192 (N.M.App. 1995)(cert. den. by the N.M. Sup. Ct., 898 P.2d 120)

Required Use of Child Safety Restraint Systems⁴:

Requirements:

I. No person shall transport a child <1 year old in a motor vehicle⁵ unless such child is secured in Federally approved child passenger restraint device. §66-7-369(A)(1)
II. No person shall transport a child ≥1 but <5 years old in a motor vehicle⁵ unless such child is secured either (1) in a Federally approved child passenger restraint device or (2), if they are riding in the rear seat, by a safety belt. §66-7-369(A)(2)
III. No person shall transport a child ≥5 but <11 years old in a motor vehicle⁵ (in either the front or rear seat) unless such child is secured by a safety belt. §66-7-369(A)(3)

Sanctions for Failure to Require
the Use of Child Restraint Systems:

Penalty Assessment Misdemeanor: A fine of **\$25**³. §§66-8-7 & 66-8-116(A) In addition, a person's driving record is assessed 2 points. 18 NMAC 19.5.11

Required Use of Child Safety Restraint Systems:
(continued)

Effect on Civil Liability:

Failure to be secured by a child passenger restraint device or by a safety belt shall not in any instance constitute fault or negligence and shall not

¹**Exemptions.** The requirement to wear a safety belt does not apply (1) to persons who for medical reasons cannot wear such a belt or (2) to rural letter carriers of the U.S. Postal Service when performing official duties. §66-7-371(B)

²The term "motor vehicle" refers either (1) to a motor vehicle having a gross vehicle weight ≤10,000 lbs. or (2) to a motor vehicle that must have a safety belt system under Federal law. §66-7-372(A)

³The following additional fees are assessed: A fee of \$10 to cover local government corrections costs; a fee of \$10 to cover the costs of court automation; a fee of \$5 to fund traffic education and enforcement; a fee of \$1 to fund judicial education; and, a fee of \$5 which is deposited into the brain injury services fund. §66-8-116.3

⁴**Exemptions.** The requirement to use either a child passenger restraint system or a safety belt do not apply to children being transported in an authorized emergency vehicle, a public transportation vehicle or a school bus. §66-7-369(A)

⁵The term "motor vehicle" means either a passenger car, van or pickup truck. §66-7-369(A)

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limit or apportion damages. §§66-7-369(B) & 66-7-373(A)

Required Use of Motorcycle Protective Headgear:

Requirements:

No person <18 years shall operate or ride on a motorcycle unless they are wearing a State approved safety helmet.⁶ §66-7-356(A)

Sanctions for Failure to Use:

Misdemeanor: An imprisonment term of not more than **90 days** and/or a fine of not more than **\$300**. §66-8-7(A) & (B) Note: The law does not appear to assign points for a violation of this requirement.

Required Use of Motorcycle Eye Protection Device:

Requirements:

Unless a motorcycle has a fixed windshield, a motorcycle operator shall wear a State approved eye protection device. §66-7-355(B)

Sanctions for Failure to Use:

Misdemeanor: An imprisonment term of not more than **90 days** and/or a fine of not more than **\$300**. §66-8-7(A) & (B) Note: The law does not appear to assign points for a violation of this requirement.

Required Use of Bicycle Protective Headgear:

Requirements:

None

Sanctions for Failure to Use:

Required Use of Bicycle Eye Protection Device:

Requirements:

None

Sanctions for Failure to Use:

Prohibition Against Riding in Unsecured Portion of Vehicle:

Requirements:

Note: A person <11 years old cannot ride in a motor vehicle (which includes a pickup truck) unless they are secured either in a child passenger restraint device or by a safety belt. See above.

Sanctions for a Violation:

Exemptions:

⁶Failure to wear a safety helmet in compliance with the law shall not constitute contributory negligence. §66-7-356(B)